

## Performance Management, Incentive Awards, and Training and Development

### Performance Based Reductions in Grade and Removal Actions

**Summary of Changes.** This regulation establishes the procedures for performance based reductions in grade and removal action including failure to complete the trial period or supervisory probationary period. It replaces in part the Technician Personnel Manual, dated March 2000, Annex D. This regulation also replaces any Technician AGR Administrative Instruction (TAAI) concerning this subject published before 15 October 2007.

**Applicability.** California National Guard Full-time Personnel Regulation (CNGFPR) applies to all California Army and Air National Guard technicians and to commanders, managers and supervisors (military or civilian) with authority or responsibility over technician personnel management.

**Proponent and Exception Authority.** The proponent of this regulation is the Joint Force Headquarters, J-1, Directorate for Human Resources. The proponent has authority to approve exceptions to this regulation when they are consistent with controlling laws and regulation.

**Supplementation.** Supplementation of this regulation is prohibited.

**Suggested Improvements.** Users of this regulation are invited to send comments and suggested improvements to Joint Force Headquarters, Directorate for Human Resources, 9800 Goethe Road, Sacramento, CA 95826-9101.

**Distribution.** Distribution of the regulation is Army - A and Air Force - F.

---

Content (listed by paragraph number)	
	Paragraph
Purpose .....	1
Definitions .....	2
Responsibilities .....	3
Documenting Unacceptable Performance .....	4
Performance Improvement Plan .....	5
Performance Based Reduction/Removal Actions .....	6
Procedures for Performance Based Reduction/Removal Actions .....	7
Appeal of a Performance Based Reduction/Removal Action .....	8

#### 1. Purpose.

This regulation establishes the procedures for performance based reductions in grade and removal action. This area excludes:

- (a) reduction in grade of a supervisor or manager who has not completed the probationary period.
- (b) basic condition(s) of employment specified at the time the appointment was made.
- (c) an employee serving their initial probationary period.
- (d) an action based on conduct or otherwise related incidents covered under CNGFPR 752, Disciplinary and Adverse Actions.

#### 2. Definitions.

Conduct Based Action – An action taken based on a single or multiple incidents of inappropriate behavior or conduct in the workplace. This action is taken in accordance with progressive discipline principles and is the minimum level of penalty necessary to correct the behavior.

Performance Based Action – An action taken based on unacceptable performance in one or more critical elements of the technician's performance plan after being afforded the opportunity to improve in the deficient areas using a Performance Improvement Plan (PIP). A proposed action may be based on instances of unacceptable performance which occur within a one (1) year period ending on the date of the notice of proposed action.

### **3. Responsibilities.**

#### **a. Directorate for Human Resources.**

- (1) Keeping supervisors and managers informed of performance regulations, policies and procedures.
- (2) Advising supervisors and managers in managing and measuring performance standards, advising supervisors and managers of their responsibilities, initiatives and obligations to assist technicians in improving performance and determining the appropriate action to be taken in individual cases.
- (3) Reviewing and certifying that adverse actions conform to applicable law, rule and regulation.
- (4) Advising technicians who are involved in adverse actions of their rights and procedures.
- (5) Maintaining the official adverse action case file.

#### **b. Commanders and Directors.**

- (1) Insure that all technicians in their organizational units are informed of applicable laws, rules and regulations governing acceptable performance.
- (2) Official for any 30-day written notice of reduction-in grade, removal, or reassignment, proposed at a lower level within their organization or directorate based on job performance.

#### **c. Supervisors and Managers.**

- (1) Must insure that the provisions of this regulation and their respective Collective Bargaining Agreement (CBA) are followed prior to initiating any adverse action.
- (2) Must receive certification of regulatory compliance from the Directorate for Human Resources, Labor Relations, prior to issuing any PIP or 30-day notice of reduction-in-grade, removal, or reassignment based on job performance.
- (3) Responsible for insuring that expectations and performance are effectively communicated to the technician and counseling of performance deficiencies is conducted as appropriate.
- (4) Insure that performance issues are addressed as they surface and initiate training, guidance and assistance in a timely manner to insure productivity.
- (5) Responsible for providing the required documentation to process an action.

#### **d. Technicians.**

- (1) Must perform the duties of their position, as specifically outlined in their Technician Performance Appraisal Report.
- (2) Continually perform self-assessment of performance and areas in need of improvement.
- (3) Must request assistance, guidance and training and inform supervisor when areas of performance are needed during self-assessment.
- (4) Understand their responsibilities in maintaining personal performance levels and take initiative when deficiencies are identified and make every effort to improve performance to an acceptable level.

### **4. Documenting Unacceptable Performance.**

Technicians will be periodically reminded of the critical job elements and performance indicators for their positions and will be informed when performance is unacceptable by counseling. These efforts should be in writing and should be documented on the NGB Form 904-1 during a counseling session. However, if the technician's performance in any critical element continues to be unacceptable despite efforts by the supervisor to improve performance, a 90-day PIP will be issued. A written PIP will be drafted and is to include increased supervisory mentoring, guidance and assistance and additional training. A PIP may be used at any time during the rating period. If improvement does not occur, an unacceptable appraisal should be rendered at the end of the 90-day period. Before initiating an action to reduce in grade or remove a technician based on unacceptable performance, consideration should be given to reassign the technician to another position for which the technician is qualified. No personnel action based on unacceptable performance may be initiated until the critical job elements and the performance indicators have been identified in writing, the technician has been given a copy of his Technician Performance Appraisal Report (TPAR) and the technician has been given an opportunity to improve his or her performance.

### **7. Performance Improvement Plan (PIP).**

A PIP may be established whenever a technician's job performance in an established critical element falls below an acceptable level. The PIP should clearly outline the critical element(s) where deficiency exists using the criteria used in accessing the deficiency. Only after attempting unsuccessfully to complete a PIP can a permanent technician be reduced in grade or removed from employment for job performance. See CNGFPR 431 for specific requirements and a sample PIP.

#### **8. Performance Based Reduction/Removal Actions.**

a. If the technician fails to obtain or maintain an acceptable performance level in the critical job elements identified in the PIP, an action to reduce in grade or remove the technician from employment may be initiated by the supervisor. If the technician completes the PIP successfully but again becomes unacceptable in the same critical element(s) as identified in the PIP within one (1) year from the date of issuance of the PIP, an action to reduce in grade or remove the technician from employment may be initiated by the supervisor without issuing another PIP and following the Procedures for Performance Based Reduction/Removal Action. If the technician completes the PIP successfully but again becomes unacceptable in the same critical element(s) as identified in the PIP after one (1) year from the date of issuance of the PIP, the technician must again be given an opportunity to improve his or her performance under a written PIP.

b. No personnel action based on unacceptable performance may be initiated until the critical job elements and the performance indicators have been identified in writing, the technician has been given a copy of the Technician Performance Appraisal Report (TPAR) and the technician has been given an opportunity to improve his or her performance under a written PIP.

c. The supervisor does not need to wait until the end of the appraisal period to initiate a reduction in grade or removal. Before initiating an action to reduce in grade or remove a technician based on unacceptable performance, consideration should be given to reassignment to another position for which the supervisor feels the technician can successfully perform and is qualified. All adverse actions must be in accordance with Procedures for Performance Based Reduction/Removal Action.

#### **9. Procedures for Performance Based Reduction/Removal Action.**

A minimum 30-day advance written notice of the action to be taken (reduction in grade, reassignment or removal) identifying the critical job element(s) and instances of unacceptable performance on which the action is based. The 30-day notice is provided only after the performance improvement period has already been provided to the technician. The 30-day written notice must be coordinated with the Directorate for Human Resources, Labor Relations, prior to issuance. The 30-day written notice must be concurred from an official who is in the next level of the chain of command of the immediate supervisor. This is not a proposed notice, but rather a final notice of the action to be taken.

#### **10. Appeal of a Performance Based Reduction/Removal Action.**

The technician has the opportunity to answer orally and/or in writing to the supervisor or appeal directly to the Deputy Director for Human Resources within 20 days of receipt of the 30-day advance written notice. At the unfettered and complete discretion of the Directorate for Human Resources, the effective date of the reduction in grade or removal may be extended while awaiting the final decision.

**FOR THE GOVERNOR:**

**WILLIAM H. WADE II**

*Major General*

*The Adjutant General*

**OFFICIAL:**



**STUART D. EWING**

*Captain, CA ANG*

*Deputy, Human Resources Officer*